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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN JOSE DIVISION**
7

8 UNITED STATES OF AMERICA,) No. CR-10-00562 JF
9 Plaintiff,)
10 v.)
11 THOMAS O'MEARA,)
12 Defendant.)
13)
14)
15)

16 This matter is currently set for status on August 18, 2011. The parties
17 now jointly request that the August 18, 2011 hearing date be reset to October 6,
18 2011 to allow defense counsel to continue the review of the additional 87,000
19 pages of discovery produced in the case. Based on the stipulation, the Court
20 finds and holds as follows:

- 21 1. The currently scheduled August 18, 2011 hearing date is hereby
22 vacated.
- 23 2. This matter is re-set for status on October 6, 2011 at 9:00 a.m.
- 24 3. The time between August 18, 2011 and October 6, 2011 is
25 excluded under the Speedy Trial Act. The parties agree that the failure to grant
 the requested continuance would unreasonable deny defense counsel

1 reasonable time necessary for effective preparation, taking into account the
2 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree
3 that the ends of justice are served by granting the continuance outweigh the
4 best interest of the public and the defendant in a speedy trial and in the prompt
5 disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

6 STIPULATED:

7 DATED: 8/5/2011

/s/

8 Jeane DeKelver
9 Attorney for Tom O'Meara

10 DATED: 8/5/2011

/s/

11 Joseph Fazioli
12 Assistant United States Attorney

13 IT IS SO ORDERED.

14 DATED: 8/18/11

15 
16 Jeremy Fogel
17 United States District Judge